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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,287	04/01/2004	John Gordon Misselbrook	10286.0370NP	8574
23369	7590	01/25/2006	EXAMINER	
HOWREY LLP C/O IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DRIVE, SUITE 200 FALLS CHURCH, VA 22042-7195			BATES, ZAKIYA W	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,287	Applicant(s) MISSELBROOK, JOHN GORDON	
	Examiner Zakiya W. Bates	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07282004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because in line 1, the term "are provided" is stated, and in line 3, the term "the present invention" is stated. Correction is required. See MPEP § 608.01(b).

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-44 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,296,066.

US'066 discloses an apparatus that includes, with respect to claim 1, a wellbore tractor comprising: a tractor body 120 (102, 104); a central fluid passageway 114

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extending through the length of the tractor body; a return fluid passageway 98; and a means for driving the tractor through the wellbore (coiled tubing 20). See the entire document, especially Figs. 6 and 7. With respect to the depending claims, the reference teaches the limitations as claimed, including jet nozzles 168 and jet pump (not shown). With respect to claim 9, the reference discloses wellbore tractor comprising: a tractor body; a central fluid passageway extending through the length of the tractor body; one or more rearward facing jets extending through the tractor body and in fluid communication with the central fluid passageway; and a means for driving the tractor through the wellbore. With respect to claim 10, the reference discloses a method that includes a method of moving a coiled tubing tractor through a wellbore containing sand, the method comprising the steps of: running a coiled tubing tractor assembly on a coiled tubing into the wellbore, the tractor assembly comprising one or more forward facing jet nozzles, a jet pump and the tractor; removing a sand bed ahead of the tractor by fluidizing the sand particles with the one or more forward facing nozzles to create a sand-laden slurry; pumping the sand-laden slurry via the jet pump past the trailing end of the tractor; and driving the tractor through the portion of the wellbore that previously contained the sand bed. With respect to the depending claims, the reference teaches the limitations as claimed, including jet nozzles 168 and jet pump (not shown). With respect to claim 17, the reference discloses a method that includes a method of moving a coiled tubing tractor through a wellbore containing sand, the method comprising the steps of: running a coiled tubing tractor assembly on a coiled tubing into the wellbore, the tractor assembly comprising one or more forward facing jet

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nozzles, the tractor and one or more rearward facing jet nozzles; removing one or more sand beds ahead of the tractor by fluidizing the sand particles with the one or more forward facing nozzles', maintaining the sand in fluid suspension with the rearward facing nozzles until the sand particles settle behind the tractor; and driving the tractor through the portion of the wellbore that previously contained the one or more sand beds. With respect to the depending claims, the reference teaches the limitations as claimed, including jet nozzles 168 and jet pump (not shown). With respect to the remaining claims, the reference teaches the limitations as claimed. With respect to references to a sand bed, the tool is used for downhole cleaning, therefore it is considered inherent to clean what ever debris, sand, particulates, gravel, etc. that may be in the well.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya W. Bates (formerly Zakiya Walker) whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Zakiya W. Bates
Primary Examiner
Art Unit 3676

zb
January 18, 2006